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COMMITTEE ON THE RIGHTS OF THE CHILD

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SUMMARY RECORD OF THE 146th MEETING

Held at the Palais des Nations, Geneva,
on Thursday, 14 April 1994, at 3 p.m.

Chairperson: Miss MASON

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The meeting was called to order at 3.16 p.m.

CONSIDERATION OF REPORTS OF STATES PARTIES (agenda item 4) (continued)

Chile (CRC/C/3/Add.18; CRC/C.6/WP.3)

1. At the invitation of the Chairperson, Mr. Quintana, Mr. Lillo and Mr. Llanos (Chile) took seats at the Committee table.

2. The CHAIRPERSON welcomed the delegation of Chile and invited it to address the Committee.

3. Mr. QUINTANA (Chile) thanked the Committee for the opportunity to give it a direct account of the situation of children in Chile, and apologized for the late submission of the additional information to the initial report (CRC/C/3/Add.18).

4. The Government was engaged in consolidating a democratic system, a task complicated by the continued existence of constitutional and parliamentary institutions linked to the previous Government. The new regime had identified human rights as a priority area together with the development of a social policy to overcome the poverty which in 1990 had affected 5 million people out of a population of 12 million. The Government's efforts to improve economic growth had already shown some success and, by the end of 1994, the figure of 5 million was expected to fall by some 1.3 million, mainly among the indigenous population. Following Chile's participation in the 1990 World Summit for Children in New York, the Government had concentrated on developing a National Plan of Action in Favour of Children (PNI), which had provided an opportunity for extensive consultations between the relevant government departments and non-governmental organizations (NGOs) involved in children's affairs and in turn had made it possible for Chile's initial report to be drafted on a joint basis. The additional replies had been provided by the Government as they dealt solely with matters of public policy and legislation. Both with the report and the two sets of replies, the aim had been to give an honest view of achievements and continuing areas of difficulty.

5. Mr. HAMMARBERG observed that the report also looked to the future and attempted to define future programmes and targets. Could the Committee take it that the new Government had endorsed the plans and targets set by the previous Government?

6. Mr. QUINTANA (Chile), replying in the affirmative, said the coalition was the same as in the previous Government, which had facilitated progress in many areas. Efforts were now focused on such areas as ill-treatment of children and sexual abuse with a view to bringing the relevant legislation into line with the Convention by 1995; that would mark the end of the Government's present programme.

7. Mrs. SANTOS PAIS welcomed the fact that the report had been drafted according to the Committee's guidelines. It had been gratifying to see the political changes in the country reflected in the ratification of the Convention and the high priority placed on children's affairs. The new

political dynamism was clear from the report and in the written replies, and the focus on the future indicated a continuity of action which set an example to other countries.

8. The CHAIRPERSON invited the delegation of Chile to respond to the list of issues (CRC/C.6/WP.3) to be taken up in connection with the initial report (CRC/C/3/Add.18) starting with the section entitled "General measures of implementation". The issues read as follows:

"General measures of implementation
(Arts. 4, 42 and 44, para. 6, of the Convention)

1. Please provide information on the measures taken by the Government to harmonize national legislation with the Convention on the Rights of the Child.

2. What is the status of the Convention on the Rights of the Child in the event of a conflict with national legislation?

3. How are activities to implement the Convention on the Rights of the Child coordinated with the implementation of the National Plan of Action in Favour of Children at the governmental and non-governmental levels?

4. Please indicate why, despite ratification of the Convention on the Rights of the Child, in the Chilean legal system the child is still not regarded as a subject of law.

5. What steps have been taken for the implementation of the National Plan of Action in Favour of Children pending completion of the system of decentralization?

6. Please indicate whether the activities to publicize and promote the Convention on the Rights of the Child for 1993 were carried out and what the impact was on the target groups and populations.

7. In view of the information contained in paragraph 27 of the report, please indicate whether any steps have been taken since the submission of the report in order to improve the institutional coordination and development of State policies and the coordination of those policies with initiatives on the part of civil society. Please describe the system for monitoring the implementation of the Convention.

9. Mr. QUINTANA (Chile), referring to issue No. 1, said that as the initial report (CRC/C/3/Add.18) had indicated, Congress had considered and promulgated a number of laws and decrees designed to implement the provisions of the Convention, including in particular legislation establishing the age of full civil responsibility at 18 years, and the acts referred to in paragraph 21 of the report. It had also set up a National Commission for Indigenous People to concentrate on the development of indigenous areas, and a National Disability Commission to facilitate the social integration of young disabled people. A number of relevant bills were being studied or were before the legislature, such as the bill eliminating inequalities on grounds of filiation referred to in paragraph 25 (d) of the report. A bill also dealt with the ill-treatment

of children arising from certain provisions in the Civil Code allowing a father to discipline his children. Another important bill was aimed at amending the regulations governing criminal responsibility in relation to offences committed by minors. Although that bill had been rejected by Congress, a compromise bill was due to be brought which would remove the notion of criminality from all offences committed by persons below the age of 18. The bill on violence within the family, referred to in paragraph 24 (d) of the report, had the approval of all political parties, and contained procedures involving a multidisciplinary approach to the underlying social problems of violence towards women and children, an area hitherto neglected by Chilean legislation.

10. A series of administrative measures were also under consideration to harmonize national legislation with the Convention. One was aimed at eliminating entries in the judicial records of the under-18s who had been convicted of offences in order to facilitate their chances of social rehabilitation. Another was to set up a special committee to study the situation of juvenile offenders deprived of their freedom. Lastly, decree No. 321 of 1990 had set up the Intersectoral Advisory Commission to assess the needs of children living in irregular situations. Many of those measures had been a direct consequence of the work of the Committee on the Rights of the Child. A further demonstration of the Government's commitment to implementing the Convention was the creation of a Working Group within the Ministry of Justice to draft the requisite legislation.

11. With regard to issue No. 2, the 1989 amendment to article 5 of the Constitution had resulted in the incorporation of the Convention into and with precedence over national legislation. The rule regarding legislation in force prior to the ratification of the Convention was that in general the Convention prevailed, a fact which had already had some jurisprudential recognition in the higher courts.

12. With regard to issue No. 3, apart from the Ministry of Planning and Coordination which coordinated and implemented the Convention and the National Plan of Action in Favour of Children, there was no single children's authority in Chile, but there were a number of services and agencies which dealt with children's issues and problems in coordination with the Ministry.

13. As far as issue No. 4 was concerned, Chile's legal system recognized that all people were subjects of law from birth, and accorded them rights and obligations which they could exercise directly. There were nevertheless some situations in which the child, despite those rights, including rights deriving from the Convention, were regarded more as objects of protection, particularly in relation to the juvenile courts.

14. With regard to issue No. 5, as already stated, the Ministry of Planning and Cooperation implemented the National Plan of Action in Favour of Children and coordinated the various departments and agencies involved, such as health, education, and services for young offenders.

15. Mr. MOMBESHORA expressed particular interest in the scheme to compensate victims of human rights violations and wondered how it worked in practice,

particularly bearing in mind that the most vocal groups were usually the most successful in such cases. Were there any special arrangements for identifying the more reticent victims?

16. Paragraph 15 of the report in referring to positive discrimination in order to target the groups in need of help, also referred to certain social problems which had been identified as needing attention. Were any studies being conducted or planned which would provide the information needed to help solve those problems when the time came?

17. Mrs. SANTOS PAIS, emphasizing the importance of incorporating the Convention into Chile's legal system and giving it constitutional status, asked in what areas jurisprudential decisions had been given which had confirmed the Convention's precedence over national legislation, and which were the rights most commonly referred to.

18. The list of legislative measures adopted was impressive. Those relating to family violence and violence against minors were especially important and should contribute to a change in attitude, particularly where violence was traditional.

19. The plans to table another bill to make 18 the age of criminal responsibility, presumably on the basis of article 1 of the Convention, were commendable because of the need to give maximum protection to the child and to ensure his best interests.

20. Mr. QUINTANA (Chile), replying to Mr. Mombeshora's question on compensation for victims of human rights violations, said that two measures had been introduced to target the victims: the Truth and Reconciliation Commission had been set up in 1990 to take evidence from people who considered themselves victims, and had reported the following year listing the major human rights violations that had led to death, disappearance, loss or injury. The Commission had subsequently set up a Compensation Committee to which evidence and claims could be submitted and which decided where compensation was payable. The members of the Committee came from all sectors of society and their objectivity was guaranteed.

21. With respect to criminal liability, he noted that the National Congress had rejected a bill providing for the exclusion of minors below the age of 18.

22. Lastly, he drew attention to a bill under consideration by the legislature that would provide for the punishment of persons guilty of ill-treating young people under 18 years of age.

23. Mr. HAMMARBERG said that he would welcome information concerning the problems faced by the Government in its projects aimed at the decentralization of services for children. In that connection, he mentioned the possibility of the existence of different standards in various municipalities concerning the implementation of the rights of the child. He would like to know what mechanism had been put into place to ensure that the local authorities adhered to national criteria concerning social policies in favour of children.

24. With regard to the Government's approach to education, there was a risk that its introduction of an element of "market economy" might create difficulties for the poorest families with regard to their access to quality education.

25. Mrs. EUFEMIO, referring to paragraph 3 of the list of issues concerning general measures of implementation, said she would like to know how the activities to implement the Convention were coordinated with the implementation of the National Plan of Action in Favour of Children at the governmental and non-governmental levels. In that connection, she said that some aspects of the Convention, such as civil rights, were not covered by the National Plan.

26. Mr. QUINTANA (Chile) said that decentralization was mainly of an administrative nature and concerned mainly with the provision of public funds in the various regions and municipalities. In that connection, efforts were being made to ensure an adequate institutional framework capable of monitoring the application of the fundamental rights of the child enshrined in the Convention.

27. The National Plan of Action in Favour of Children was intended to deal fundamentally with social problems connected largely with poverty. The establishment of regional administrations provided an opportunity for the Plan to develop efficiently in all regions of the country. It was hoped that those authorities would emulate the Government's efforts at the national level with regard to the plan by giving priority in their strategies and budgets to investment in favour of children and young people in their region. Various institutions and governmental and non-governmental bodies had been brought together with a view to ensuring the follow-up, monitoring and dissemination of the Plan.

28. Mr. KOLOSOV said he would like to know whether there had been any resistance by the population to the changes made by the administration with regard to the status of children.

29. Note should be taken of the important role played by children themselves in the implementation of the Convention. Delegations and the reports of Governments informed the Committee that steps were taken to publicize the Convention, but he had found that children were unaware of the existence of the Convention and its provisions. He would therefore like to know whether the children in Chile knew about the Convention and, if so, how that result had been achieved.

30. Mrs. SANTOS PAIS said it was important for the Committee to find ways to determine that children exercised the rights recognized in the Convention. She hoped that the discussion in the Committee would have the result of encouraging the adoption of measures to enable children to exercise their civil rights.

31. She would welcome information concerning the assessment made by the Government of its policy of decentralization and increasing regional responsibility with regard to the implementation of the National Plan of Action in Favour of Children.

32. Mr. HAMMARBERG said he would like to know how the Government coped with the difficulties involved in the decentralization process and how it struck a balance between conflicting trends.

33. Mr. QUINTANA (Chile) said that criminal legislation was the most difficult area in which to introduce new legislation to implement the rights of the child. Since 1991, there had been a growing feeling, not in fact borne out by the relevant statistics among the general public in Chile that there had been a sharp increase in delinquency. The present climate of public opinion was therefore not conducive to the adoption of laws guaranteeing protection to offenders.

34. It was difficult to say to what extent children were aware of their rights. He had the impression that some progress had been made, but it could not be claimed that all children knew they had rights, which were moreover regulated by a Convention. Promotional activities in Chile were currently directed principally to decision-makers. Much therefore remained to be done to promote awareness of the Convention, particularly among children. However, some action had been taken in schools to encourage debate on the subject.

35. He asked Mr. Hammarberg for clarification of his question on the decentralization process.

36. Mr. HAMMARBERG said that, as he understood it, two processes were currently running in parallel in Chile. The first involved a move by the public services to a more market-based, supply and demand approach that would involve both privatization and greater participation of society at large, together with decentralization from central to regional and local authorities. The second was for clear-cut plans of action with given priorities to be developed by the central authorities. It might be difficult to bring the disparate ambitions of the dual approach to focus together on the same goals. In the health field, for example, the need for new institutions was recognized but, as the situation analysis issued by UNICEF in 1991 had pointed out, decentralization had led to a decline in public expenditure. It would appear that the supplementary fund established to make up deficiencies was in fact insufficient to cover all demands. To judge from the example of other countries on the same economic road, health care and education appeared to be the sufferers. What was being done in Chile to avoid such adverse effects?

37. Mr. QUINTANA (Chile) said that Chile had decentralized its health system in the 1980s, when the national health service had been split up into 26 regional and provincial authorities, leading to a large reduction in public expenditure. However, in 1990-1993 public expenditure on health had increased by 60 per cent, although health care was still short of resources and more investment was needed. Unfortunately, the action that could be taken was limited by the resources available. Health was, however, a priority area for the Government.

38. The decentralization that had taken place in Chile should be looked on as part of the broad move in the 1980s towards freeing the economy, which had been stronger then than aspirations to improve social policies. In education, for example, Chile had always had a State and a private system in operation but over the decades the State system had deteriorated to the point where

private education was of much higher quality. The transfer in the 1980s of a large part of the State education system to semi-State management under the municipal authorities had contributed to that decline. The supplementary fund did not at present provide a very large input into the regional system, but that would increase with time. There was a grant-aided system for some private schools. Despite municipal management of schools, the operation and funding of the education system was not tied to regionalization. The Government's principal aim at present was to bring the quality of State education up to the level of private education and to ensure a uniformly high level of education throughout the country, a complex process and a very costly one.

39. Mrs. SANTOS PAIS said the point that was important was not the manner in which decentralization was carried out but the equity with which the resources involved were distributed to the regions. She asked what safeguards existed in Chile to prevent disparities between regions from worsening. One such safeguard might be the monitoring and follow-up activities mentioned in paragraph 37 of the report (CRC/C/3/Add.18), which would permit policies and strategies to be adapted accordingly. She asked what the respective decision-making powers of the central and regional levels were with regard to budgetary matters. If the present system did not allow discrepancies to be corrected, perhaps further measures might be considered.

40. Mr. MOMBESHORA said that decentralization appeared to operate on two levels, the regional and the municipal, which operated on different financial bases. He understood from what the representative of Chile had said that the financial contribution from the Government to the regions had decreased. Did that mean that the regions were expected to generate their own revenue to meet recurrent costs, which would then be supplemented by an equal distribution of government funds to the regions?

41. Mr. QUINTANA (Chile) said that the central Government did not expect the regions to generate their own resources. In Chile, although revenue was generated by the regions, such revenue came back to the central level for redistribution. Under the Constitution it was permissible for regional taxes to be levied to feed regional budgets, but no legislation to introduce such taxes had yet been passed. The purpose of regionalization was to generate greater participation in investment in services, but the process had to be a gradual one. Allocations from the fund for regional development were made on the basis of the region's needs and the social impact and quality of its projects.

42. Monitoring and follow-up of the Plan of Action in Favour of Children (NPI) at regional and national level was at present the responsibility of the Ministry of Planning and Cooperation (MIDEPLAN), which however had many other areas of action in addition to children. There was as yet no single national body with child welfare as its sole concern that could take care of the matter at all levels, including the regional level.

43. Mr. HAMMARBERG said that mention had been made in the report of a review and possible reorganization of the National Service for Minors (SENAME). What was the current situation? Was there a body in Chile that provided an

ombudsman service? Were there any plans to establish the single national body with comprehensive responsibility for children that the representative of Chile had mentioned?

44. Mr. QUINTANA (Chile) said that SENAME was principally concerned with minors in an irregular situation with respect to the law. That covered minors in need of care and protection through no fault of their own, such as abandoned children or children with behavioural difficulties, and minors who had committed criminal offences. There was a current of opinion that since those were two quite different situations they should be dealt with differently, but there was no immediate proposal to restructure the Service. SENAME's activities covered a large section of the child population and the changes relating to the transfer of services to the regional and community authorities made the kind of national coordinating body mentioned earlier even more necessary.

45. There was no State body in Chile operating as an ombudsman for children's affairs. One area of the protection of children, the legal defence of children suffering ill-treatment or sexual abuse or of children facing criminal charges was financed by SENAME. The Service thus functioned to some extent as an ombudsman, as did a number of private agencies. A bill to establish an association for provision of legal assistance was at present under consideration. Thought was also being given to establishing an office for the defence of the children's cultural, social and economic rights.

46. The CHAIRPERSON invited the delegation of Chile to respond to the issues included in the section entitled "Definition of the child" which read as follows:

"Definition of the child
(Art. 1 of the Convention)

1. Please specify whether the bill to lower the age of majority to 18 has been adopted and give details about the legal provisions defining a minor and an adult.

2. Please provide information on the compatibility between the rules of the different minimum ages for marriage between boys and girls without consent and Article 2 of the Convention, which recognizes the principle of non-discrimination on the basis of gender (see para. 51 of the report)."

47. The CHAIRPERSON, noting that issue No. 1 had already been answered during the discussion on general measures of implementation, invited the representative of Chile to reply to issue No. 2.

48. Mr. QUINTANA (Chile) said that three situations prevailed with regard to age at marriage in Chile. From the age of majority, now 18 and formerly 21 years, which was the same for both boys and girls, a person could marry without requiring the consent of parents or other persons in authority. Marriage was possible from the ages of 12 for girls and 14 for boys, but required the consent of parents, guardians or other persons in authority. Under the above ages marriage was not possible.

49. The difference made between boys and girls in the minimum ages for marriage with consent related to provisions in the Civil Code that had been taken over from much older legislation which distinguished for general purposes the various ages groups into which minors were classified. The distinction was based on the usual age for attaining puberty, following which certain legal acts were permissible to minors. The differences in the ages related to the fact that girls matured physically at an earlier age than boys. The significance of those ages for marriage was that since the aim of marriage was considered to be procreation, marriage should be permissible once the age of ability to procreate had been achieved. Chile thus did not consider that the difference in age was discriminatory but would welcome the Committee's views on the possible need for a change of legislation.

50. Mr. HAMMARBERG said he recognized that the minimum ages for marriage did not reflect a wish on the part of the Government to promote early marriages, but a desire to facilitate young couples who might wish to regularize their relationship in cases of pregnancy. However, biological development could not be the only criterion for marriage; marriage also required the partners to have reached a degree of maturity and judgement to enable the couple to act responsibly within society. That was perhaps a reason for reviewing the minimum age for marriage.

51. Mrs. SANTOS PAIS said that what was important was that the minimum age for marriage, 18 years, was the same for both sexes. The fact that an exception to that rule could be made at different minimum ages for the two sexes was not a vital issue. However, in cases where the consent of parents or other persons in authority was required for a marriage to take place, her concern was to what extent the interests of the child were considered when such consent was given. Marriage served to emancipate a child, which meant that he or she was no longer fully protected by the Convention. Furthermore, a very early marriage could prevent a girl from continuing her education and disadvantage her with respect to girls who had completed their studies as well as in other ways. Such points deserved further consideration; the longevity of a tradition or a law did not give grounds for refusing to consider change. However, as the report showed, Chile was in fact very open to change.

52. Mr. QUINTANA (Chile) said he would transmit the Committee's views to his Government so that it might consider what changes were appropriate.

53. The CHAIRPERSON welcomed that very constructive approach, which was the response the Committee hoped to get from State parties reporting to it. The Committee's purpose was not to sit in judgement on States parties but to consider with them areas in which progress could usefully be made.

54. Mrs. EUFEMIO felt that there was something to be said for having a reasonably high minimum marriageable age. Couples would in general be better prepared for parenthood and that surely meant an improved investment in the future generation.

55. The CHAIRPERSON, referring to paragraph 48 of the report (CRC/C/3/Add.18), wondered in what circumstances juveniles below the age of 18 might need to confer power of attorney.

56. Mr. QUINTANA (Chile) said that juveniles below the age of 18 were not deemed capable of acting on their own behalf in law and required the authorization of a legal representative. Difficulties had thus resulted in the past in juvenile courts, since in some situations they could not have permitted a power of attorney to be conferred on a legal representative. In current practice, however, no court would refuse, chiefly because to do so would violate the constitutional guarantee of due process. An amendment aimed at clarifying the matter had been tabled before Congress but had been rejected.

57. Mrs. SANTOS PAIS said that one reason for the Committee's concern in that regard was that access to justice for under-18s appeared to be denied, especially in criminal and civil matters. She noted that mention was made of another bill to ensure access by all people to the courts; she wondered whether its provisions would also cover juveniles below the age of 18.

58. Mr. QUINTANA (Chile) said that the bill in question was intended to cover the availability of legal aid and to provide a specialized legal aid body; the provisions could, through agreement, be made applicable to minors. Paragraph 48, as he understood it, referred not to a possible lack of a legal representative but rather to a lack of legal capacity in civil matters, the prevailing view having been that court procedures were so designed as to protect the minor, who did not need to be represented by a lawyer. He reiterated, however, that the current practice was to heed the constitutional guarantee of due process and thus recognize the right of under-18s to confer power of attorney.

59. The CHAIRPERSON invited the Chilean delegation to respond to the section entitled "General principles" in the list of issues (CRC/C.6/WP.3). The issues were:

"General principles

Respect for the views of the child
(Art. 12)

1. Specify measures taken to make reality of the principle of respecting the views of the child. How has it affected the legislation, the judicial process, the political process, the situation at schools and institutions for children as well as in the home?"

60. Mr. QUINTANA (Chile) said that, in general, respect for the views of the child was an issue which was just beginning to gain recognition in Chile. A number of specific initiatives had been taken, such as the bill relating to filiation, which would, inter alia, enable children, in cases of separation, to declare with which parent they wished to stay; there was no obligation, however, to heed the views of a child below the age of puberty (12 years for girls, 14 years for boys). Progress was being made in other areas also, such as the recognition of freedom of association for student bodies in secondary education, and the establishment of an office of schoolchildren's advocate, which could receive schoolchildren's complaints about school authorities. With regard to family situations, there were no specific measures to hear children's views; but there was a National Service for Minors (SENAME), modelled on the Convention's provisions, one of whose basic tasks was to

receive children's views. In general, there was growing recognition of the views of the child; moreover, the constitutional guarantee of freedom of expression covered all citizens, including children, although the latter were not specifically mentioned.

61. Mrs. SANTOS PAIS said that many countries, including Chile, were only just beginning to recognize the views of the child. The Committee nevertheless welcomed Chile's evident readiness to acknowledge children's views. Although, as she understood it, the views of the child were to be heard with regard to custody decisions in cases of separation, the conflict could have a negative impact on the children involved, especially the very young. She wondered, therefore, to what extent children in such cases were free to express their views and whether, for example, a judge could exercise initiative as to whether or not a child was mature enough to be heard. She would be interested, too, in examples of how the Convention could be invoked directly.

62. Mr. MOMBESHORA said that the constitutional guarantee of equal rights for all "men" was recognized as applying to men and women alike, but he understood that the notion of "machismo" was, as in many other countries, currently the subject of much debate and, although it related mainly to adults, he wondered whether it was having an effect on children.

63. Mr. HAMMARBERG said that the Committee's deliberations on article 12 of the Convention usually focused on the child's legal capacity. It was interesting, however, to consider also the ways in which children's views were respected outside the courts, especially in education, and to look at the role the media might play in that connection. In a number of countries children's views were being increasingly heeded, thus leading to gradual changes in social attitudes. To a large extent, of course, such developments were beyond the scope of the authorities.

64. Mrs. EUFEMIO said she would like to know what experience the Chilean authorities had of cases of parents' ill-treatment of a child in which the child had expressed a preference to remain with the parents despite the ill-treatment received. She wondered, in particular, to what extent the child's views would prevail over the various circumstances observed, bearing in mind the strong psychological factors revealed by studies of such situations.

65. Mr. QUINTANA (Chile) said that a child's right to participate in judicial proceedings was guaranteed by the general provisions of the Constitution, in article 5. He was not aware of any actual case in which a child had voiced its opposition, in court, to a custody ruling in a case of separation; he thought it a correct interpretation of the Constitution, however, to say that a child could do so. The only current practice in regard to the voicing of the child's view related not to parental conflict as such but to judicial procedures in respect of minors: judges were able to hear statements by children aged between 12 and 14 years, in camera and in the presence of an expert, with no subsequent cross-examination permitted in court. The situation regarding respect for childrens' views in the school environment had evolved from one of no recognition at all to one of opportunities for pupil and student groups to present collective views. Further progress was being

made through steps which included the establishment of means to gather and collate individual childrens' views and to increase participation in tasks such as curriculum planning.

66. There had been no debate hitherto, at the national level, on the question of whether children ill-treated by parents should remain with the family; but a current bill dealing, inter alia, with violence within the family was aimed at a more flexible approach to the problem, based on the effect of violence on all members of the family and having as its main aim the preservation of the family unit except in cases of serious aggression.

67. Replying to a question by Mr. KOLOSOV, he said that there was no legal divorce in Chile. The situation would probably be addressed by draft legislation in the near future; as the law stood, however, a couple could only apply to the court for a legal separation. In cases of marriage involving persons aged under 21 years, for which parental consent had been obtained, it was hard to say whether or not similar consent would be expected in the case of a separation, since marriage was deemed to confer emancipation; his impression was that young persons applying to the court for a separation order would need a guardian ad litem.

68. Replying to a question by Mrs. SANTOS PAIS, he said that the municipal councils for children were a form of intermediary group. They had no actual place in the municipal structure, but they were constitutionally recognized and any persons having legal capacity could speak in them. Organizations of young people which existed in communes were basically cultural entities; those which he knew of had close links with the councils mentioned and the municipal authorities. Although the councils had no capacity to take binding decisions, the fact that, for example, the local mayors often took an active part in them gave their proceedings considerable weight.

69. In reply to a question by Mr. MOMBESHORA, he said that the legal prohibition of divorce stemmed from earlier canon law. Although the Catholic Church had been disestablished in 1925 and there was no longer a State religion, the law in question was still upheld by Congress, which had rejected a number of proposed amendments, and a bill tabled in 1990 had not yet been debated. In any case, the draft amendments put forward in recent years had been aimed not so much at outright repeal as at the removal of anomalies and double standards.

The meeting rose at 6 p.m.